

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KIRK DAHL, et al., Individually and
On Behalf of All Others Similarly Situated,

Plaintiffs,

v.

BAIN CAPITAL PARTNERS, LLC, et al.

Defendants.

Civil Action No. 07-12388-EFH

**MOTION TO INTERVENE AND TO UNSEAL
FIFTH AMENDED COMPLAINT AND ASSOCIATED EXHIBITS**

Proposed Intervenor The New York Times Company, publisher of the *New York Times*, (the “*Times*”), hereby moves to intervene in this case pursuant to Fed. R. Civ. P. 24(b), and to unseal the Fifth Amended Complaint and its Associated Exhibits. In support of this motion, the *Times* submits the accompanying memorandum of law.

Because of the public importance of the issues at stake in this motion, the *Times* respectfully requests that a hearing be scheduled on this motion at the Court’s earliest convenience. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 126 (2d Cir. 2006) (stating that district court “must make its findings quickly” in proceedings to unseal court records).

THE NEW YORK TIMES COMPANY

By Its Attorneys,

/s/ Jeffrey J. Pyle

Robert A. Bertsche (BBO #554333)

Jeffrey J. Pyle (BBO #647438)

PRINCE LOBEL TYE LLP

100 Cambridge Street, Suite 2200

Boston, MA 02114

(617) 456-8000 (tel.)

(617) 456-8100 (fax)

jpyle@PrinceLobel.com

CERTIFICATE OF SERVICE

I, Jeffrey J. Pyle, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing ("NEF") and paper copies will be sent to those indicated as non-registered participants on August 13, 2012.

/s/ Jeffrey J. Pyle

Jeffrey J. Pyle